

**FILED**

**AUG 15 2013**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

Clerk, U.S. District Court  
District Of Montana  
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

QUINCY WOODENLEGS,

Defendant.

CR-10-150-BLG-DWM

ORDER ADOPTING  
FINDINGS AND  
RECOMMENDATIONS OF  
U.S. MAGISTRATE JUDGE

On July 19, 2013, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation with respect to the July 3, 2013 petition for revocation of Woodenlegs' supervised release and the July 10, 2013 amended petition for revocation of Woodenlegs' supervised release. Docs. 58, 60, & 66. Although the parties were notified of their right to file objections to the Findings and Recommendations within 14 days, neither party filed objections. Failure to object waives the right to review. Fed.R.Crim.P. 59(b)(2). But consistent with this Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1985) this Court reviews for clear error. Clear error exists if the Court is left with a "definite

and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Woodenlegs’ admissions to violating (1) Standard Condition Number 7 testing positive for methamphetamine; (2) Standard Condition Number 9 by associating with Federal Offender Christopher Killsnight; (3) Special Condition Number 10 by consuming alcohol and registering a .031 Blood Alcohol Content; and (4) Special Condition Number 3 by failing to complete scheduled sex offender treatment due to a suspension based on alcohol consumption and association with a felon, Judge Ostby recommends supervised release be revoked. Judge Ostby further recommends this Court sentence Woodenlegs to 9 months incarceration, followed by 111 months supervised release.

I find no clear error in Judge Ostby’s Findings and Recommendation (doc. 66) and I adopt them in full.

Accordingly, IT IS ORDERED that Quincy Woodenlegs’ supervised release is revoked. Judgment will be entered by separate document.

Dated this 15<sup>th</sup> day of August, 2013.

  
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DONALD W. MOLLOY  
U.S. DISTRICT COURT JUDGE